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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David C. Ward, et al. Examiner: L.E. Crane, Ph.D.
Serial No.: 07/841,910 Group Art Unit: 1803
Filed: February 26, 1992
For: **MODIFIED NUCLEOTIDES AND METHODS OF PREPARING
AND USING SAME**

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Lieberman & Nowak
292 Madison Avenue
New York, New York 10017
January 20, 1994

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

COMMUNICATION SUBMITTING TERMINAL DISCLAIMER

SIR:

Applicants hereby submit a Terminal Disclaimer in which the assignee of record, Yale University, disclaims the terminal part of any patent granted on the present application that extends beyond the expiration date of U.S. Patent No. 4,711,955. As described in the enclosed Terminal Disclaimer and its attached exhibits, Yale University is the assignee and owner of the subject application and of U.S. Patent No. 4,711,955.

The enclosed Terminal Disclaimer is submitted to overcome the Examiner's rejection, set forth in the May 19, 1993 Office Action, in which all the pending claims were rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 4,711,955. As indicated in Applicants' November 19, 1993 Amendment in response to the Office Action, Applicants do not agree that the claims of the present application are obvious variations of the claims of U.S. Patent No. 4,711,955, but submit the Terminal Disclaimer in order to advance prosecution of the subject application.

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No fee is deemed necessary in connection with the filing of this Communication. If any fee is required, authorization is hereby given to charge the amount of any such fee to deposit account no. 12-1325.

Respectfully submitted,


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I hereby declare that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

1/25/94
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